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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,491	03/30/2004	Edgar Vaughan Shrum JR.	9400-346/BS030801	4902
39072 7590 04/16/2008 MYERS BIGEL SIBLEY & SAJOVEC, P.A. P.O. BOX 37428 RALEIGH, NC 27627				
EXAMINER				
SATKIEWICZ, THOMAS E				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
04/16/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/813,491

Applicant(s)

SHRUM ET AL.

Examiner

THOMAS E. SATKIEWICZ

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 03/30/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maggenti et al. (US PGPub 2002/0037735) in view of Maintenance for Definity One Communication System Release 10 (BSP 555-233-130) known as BSP, further in view of Definity Business Communications System and GuestWorks Overview (BSP 555-231-208) known as BSP2, and further in view Definity Fault Management User Guide Release 2 (BSP 585-229-808) known as BSP 3.
3. With regards to Claim 1, Maggenti et al. teaches a method of providing communications services (Group Services; Fig#10), comprising the steps (Paragraph 0112) of determining a state of an Internet Protocol communications device (Paragraphs 0108-0112), But Maggenti fails to teach reconfiguring call routing information based upon the state of the Internet Protocol communications device.

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4. However, BSP discloses a means for reconfiguring the routing of a call (CF Destination Ext; BSP, Page 5-230) after the state of the communication device (Service State; BSP, Page 5-231) has been determined.
5. Therefore it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to incorporate BSP into Maggenti teachings, because BSP is the Programming Instructions of VoIP hardware like in Maggenti.
6. With regards to Claim 2, Maggenti in view of BSP discloses a method, wherein the step (Program Command "status station #")) of determining the state of the Internet Protocol communications device comprises determining whether the Internet Protocol communications device fails to respond to a communication (BSP, Pages 5-228-5-231)
7. With regards to Claim 3, Maggenti in view of BSP and further in view of BSP2 discloses a method, further comprising the step of; If the Internet Protocol communication device fails to respond to the communication, then reconfiguring the call routing information based upon at least one of i) network-defined logic (Call Vectorin; BSP 2, Page 12-6) and ii) subscriber-defined logic (CF Destination Ext; BSP, Page 5-230).
8. With regards to Claim 4, Maggenti in view of BSP2 discloses method, further comprising the step of reconfiguring the call routing information based upon the network-defined logic (Call Vectorin; BSP2, Page 12-6)

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9. With regards to Claim 5, Maggenti in view of BSP2 discloses method, further comprising the step of reconfiguring the call routing information based upon a subscriber profile (Call Vectorin; BSP2, Page 12-6).

10. With regards to Claim 6, Maggenti in view of BSP 3 teaches method, wherein the step of determining the state of the Internet Protocol communications device comprises polling the Internet Protocol communications device (BSP 3; Page 78).

11. With regards to Claim 7, Maggenti in view of BSP, further in view of BSP 2, and further in view of BSP 3 teaches a method of providing communications services, comprising the steps of; polling (BSP 3, Page 78) an Internet Protocol communications device to determine if a signaling path exists in a Voice-Over Internet Protocol communications network; and if the signaling path fails to exist, then reconfiguring call routing information based upon at least one of i) network-defined logic (Call Vectorin; BSP2, Page 12-6) and ii) subscriber-defined logic (CF Destination Ext, BSP, Page 5-230), wherein the call routing information is reconfigured based upon an availability of the Internet Protocol communications device.

12. With regards to Claim 8, Maggenti in view of BSP, further in view of BSP 2, and further in view of BSP 3 teaches a method of providing communications services, comprising the steps of: polling (BSP 3, Page 78) an Internet Protocol communications device to determine if a signaling path exists in a Voice-Over Internet Protocol communications network; and if a response is not received within a specified time, then the reconfiguring call routing information based upon at least one of i) the network-

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defined logic (Call Vectorin; BSP 2, Page 12-6) and ii) the subscriber-defined logic (CF Destination Ext; BSP, Page 5-230), wherein the call routing information is reconfigured based upon an availability of the Internet Protocol communications device.

13. With regards to Claim 9, Maggenti in view of BSP and further in view of BSP 2 discloses a system (Definity System; BSP2, Page 2-6), comprising: a Communications Module (Center-Stage Switch; BSP 2, Page 2-7) stored in a memory device (Mass Storage System; BSP 2, Page 2-6), and a processor (Switch Processing Element; BSP 2, Page 2-6) communicating with the memory device; the Communications Module determining a state of an Internet Protocol communications device and reconfiguring call routing information (Call Vectorin; BSP 2, Page 12-6) based upon the state (Service State; BSP, Page 5-228) of the Internet Protocol communications device.

14. With regards to Claim 10, Maggenti in view of BSP and further in view of BSP 2 discloses computer program product (Software; BSP 2, Page 2-6), comprising: a computer-readable medium (Mass Storage System; BSP 2, Page 2- 6); and a Communications Module (Center-Stage Switch; BSP 2, Page 2-7) stored on the computer-readable medium (Mass Storage System; BSP 2, Page 2- 6), the Communications Module determining a state (Service State; BSP, Page 5-228) of an Internet Protocol communications device and reconfiguring call routing information (Call Vectorin; BSP 2, Page 12-6) based upon the state of the Internet Protocol communications device.

15.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS E. SATKIEWICZ whose telephone number is (571)270-1948. The examiner can normally be reached on Monday to Thursday 7:30AM to 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571) 272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas E Satkiewicz/

Examiner, Art Unit 2614

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/Ahmad F. MATAR/

Supervisory Patent Examiner, Art Unit 2614